



ETW

Customized PTO/SB/21 (09-06)

TRANSMITTAL FORM

(for all correspondence after initial filing)

Application # 10/661,809
Confirmation # 7385
Filing Date 15 September 2003
First Inventor HOOK et al
Art Unit 1631
Examiner Smith, Carolyn L.
Docket # P07741US01/BAS

Total number of pages in this submission =

ENCLOSURES (check all that apply)

- ☐ Fees calculated below
☐ Amendment/Reply
☐ including Attachment(s)
☐ After Final Amendment/Reply
☐ including Attachment(s)
☐ Extension of Time Petition
☐

- ☐ Reply to Missing Parts/Incomplete Application
☐ Certified Copy of Priority Document(s)
☒ Information Disclosure Statement
☐ Drawing(s)
☐ Terminal Disclaimer
☒ 3 References
☐

FEES CALCULATION: For claims if required and/or other fees as shown below:

| Continuation of Form No. 100-200-0000- | | | | |
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☐ Payment by credit card. FORM PTO-2038 in the amount of \$ is attached.

☒ The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555:

- (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or
(2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: May 14, 2007

By: B. Aaron Schulman
Registration No.: 31,877

STITES & HARBISON PLLC • 1199 North Fairfax St. • Suite 900 • Alexandria, VA 22314
TEL: 703-739-4900 • FAX: 703-739-9577 • Customer No. 00881



| | | |
|--|----------------|-------------------|
| SECOND INFORMATION DISCLOSURE STATEMENT | Application # | 10/661,809 |
| | Confirmation # | 7385 |
| | Filing Date | 15 September 2003 |
| | First Inventor | HOOK et al |
| | Art Unit | 1631 |
| | Examiner | Smith, Carolyn L. |
| | Docket # | P07741US01/BAS |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:

- ☒ A listing of the references on PTO-1449.
- ☒ A copy of all **non-US** references which are listed on the PTO-1449 (US refs not required).
- ☒ A copy of a corresponding foreign **Search Report** which explains the relevance of the references noted therein.
- ☐ A separate explanation of relevance.

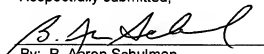
Please note the following particulars concerning the filing of this IDS:

- ☐ 1. This IDS is filed at whichever is the latest of:
 - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
 - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
 - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached foreign communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
- ☒ 2. This IDS is filed **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
 - ☐ A. Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
 - or
 - ☒ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
 - ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
 - ☐ D. An appropriate Statement is attached.

- ☐ 3. This IDS is filed **after** a final action or allowance, but on before payment of the issue fee, and:
- ☐ A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
- and
- ☐ B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
- ☐ D. An appropriate Statement is attached.
- ☐ 4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i).
- ☒ 5. It will also be appreciated that:
- a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.
- b. Some of the documents may have markings thereon, but no significance should be attached to those markings.
- c. These documents are not necessarily analogous art.
- d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.
- ☒ 6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Director is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,

Date: May 14, 2007


By: B. Aaron Schulman
Registration No.: 31,877

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MAY 14 2007

Customized PTO/SB/08a+b (09-06)

Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 1

| | |
|----------------|-------------------|
| Application # | 10/661,809 |
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| Examiner | Smith, Carolyn L. |
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U.S. PATENT DOCUMENTS

| Exam. Initial* | Document No. Number - Kind | Publ. Date MM-DD-YYYY | Name Patentee or Applicant | Relevance Passages/Figs. |
|----------------|----------------------------|-----------------------|----------------------------|--------------------------|
| | 6,448,043 | 09-10-2002 | CHOI ET AL | |
| | 6,617,156 | 09-09-2003 | DOUCETTE-STAMM ET AL | |

FOREIGN PATENT DOCUMENTS

| Exam. Initial* | Country-Number-Kind | Publ. Date MM-DD-YYYY | Name Patentee or Applicant | Relevance Passages/Figs. | Translation |
|----------------|---------------------|-----------------------|----------------------------|--------------------------|-------------|
| | WO-98/50554 | 11-12-1998 | HUMAN GENOME SCIENCES | | |

NON PATENT LITERATURE DOCUMENTS

| Exam. Initial* | Include NAME of the author (in CAPS), Title of Article/Item, Date, Page(s), Volume-Issue No., Publisher, City and/or Country where published | Translation |
|----------------|--|-------------|
| | DATABASE UniProt Entry Q836MO_ENTFA 1 June 2003, PAULSEN, I.T. ET AL.: "Von Willebrand factor type A domain protein" XP002426339 accession no. Q836MO *abstract* & I.T. PAULSEN ET AL.: "Role of mobile DNA in the evolution of vancomycin-resistant Enterococcus faecalis" SCIENCE, vol. 299, 28 March 2003, pages 2071-2074, XP002268057 | |
| | DATABASE UniProt Entry Q836L9_ENTFA 1 June 2003, PAULSEN, I.T. ET AL.: "cell wall surface anchor family protein" XP002426340 accession no. Q836L9 *the whole document* & I.T. PAULSEN ET AL.: "Role of mobile DNA in the evolution of vancomycin-resistant Enterococcus faecalis" SCIENCE, vol. 299, 28 March 2003, pages 2071-2074, XP002268057 | |

| | | | |
|--------------------|-------------------|-----------------|------------|
| Examiner Signature | /Jennifer Graser/ | Date Considered | 10/08/2008 |
|--------------------|-------------------|-----------------|------------|

* Examiner: Initial if considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.